

**Mobility and Access Committee for
Scotland (MACS)**

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Date: 27 May
2020

To whom it may concern

E-Scooter Definition Consultation

**Response from Keith Robertson on behalf of the Mobility and Access Committee for Scotland
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Proposals

We are proposing to define an e-scooter as a motor vehicle which:

- is fitted with no motor other than an electric motor
- is designed to carry one person in a standing position with no provision for seating
- has a maximum speed of 12.5 miles per hour (mph)
- has two wheels, one front and one rear, aligned along the direction of travel
- has a mass, excluding the rider, not exceeding 35 kilograms
- has means of directional control via the use of handlebars
- has means of controlling the speed via hand controls and whose power control defaults to the 'off' position

1.1.1

1.1.2 4. Is the proposed e-scooter definition suitable for you?

No

Why?

The maximum speed is out of kilter with existing regulations regarding mobility scooters which have a maximum speed of 8 mph for a road going mobility scooter, then why would a less stable scooter (having only two wheels) have a maximum speed of 12.5 mph?

The last bullet point should say 'whose power control default to the off position when a person's hand is released from the throttle'.

We feel that there is a propensity for the definition of the scooters to get mixed up with mobility scooters and feel that this leaves the possibility of some confusion so with therefore suggest that a distinct comparison should be made in the definition.

Other than our points above we are reasonably happy with the definition of an E scooter.

Maximum speed limit

We propose to allow e-scooters to be used up to 12.5 mph. This is the same speed limit applied in France, Germany, Denmark and some other countries. We consider this is an appropriate limit for e-scooters being treated like cycles and being used in cycle lanes and tracks.

However we also seek views on whether a speed limit of 15.5 mph would be more appropriate. This would match the speed limit for electrically assisted pedal cycles (EAPCs).

1.1.3 5. In your opinion the maximum permitted speed for e-scooter trials should be:

12.5 mph?

15.5 mph?

8mph

Why?

The nearest form a vehicle that is used in the UK today that we can use as a comparison is mobility scooters. Consequently, MACS do not believe that either of these speeds are suitable for an E scooter. The current maximum speed for a mobility scooter that is designed to travel on the road is 8 mph so why is the suggestion speed for an E scooter, that is less stable than a mobility scooter, more than 8 mph? The difference could imply that disabled people are viewed as being less likely to be able to control an electric scooter than able-bodied people, even though there is a distinct difference between mobility scooters and E scooters.

The speed of the scooters is a factor for disabled people because the faster they travel the more frightening they can be if used on path's, pavements, parks and open spaces with shared pedestrian/cycleways. There is already substantial ongoing problems with cyclists sharing the same space as disabled pedestrians and the last thing that we need to compound this problem is disabled people additionally having to put up with motorised two wheeled scooters.

MACS believes that there is a considerable difference between an E scooter and an electric bicycle and do not see the need for an E scooter to be able to meet the same speeds as electric assisted bicycles.

We would agree that the scooters should only be permitted on cycleways or on a road, excluding motorways and dual carriageways, because of the potential danger to pedestrians if they were to be allowed on paths or pavements.

Maximum motor power

We are considering including a maximum motor power of 350 Watts within the definition of an e-scooter.

1.1.4 6. In your opinion should a maximum motor power be included in the definition?

Yes

Why?

We believe that a maximum power output should be included especially when a maximum speed limit is to be enforced simply because the larger the power output the more potential there is for people to customise E scooters to make them go faster. There will always be those who try to reconfigure the scooters to make them go faster than is allowed if the power output supports such 'customisation'. We would hope that keeping the power output to 350 watts would deter such customisation and as well as being an influencing factor in controlling the speed.

1.1.5 . In your opinion is the suggested limit of 350 Watts maximum motor power appropriate? YES

Why?

As already stated above the more powerful the engine is then more potential there is for E scooters to be faster which can be quite frightening for disabled people in areas as described above and shared pedestrian /cycleways.

Before answering this consultation, we did some research into these types of scooters and found them to range from petrol driven engines of 100 cc to electric powered ranging from 250 W to 5400 W. Currently the speed of some of the larger engines electric scooters is up to 85 km/h with petrol driven scooters capable of faster speeds.

We genuinely fear for the well-being of disabled people, in particular, being faced with what is currently available on the market in the UK and welcome the maximum motor power of 350 W.

Regulatory changes

Current regulations would require e-scooter users to have a full motorcycle, moped or car driving licence with appropriate training, wear a motorcycle helmet and register the e-scooters. They would not allow e-scooters to use cycle lanes and tracks.

We propose to regulate rental e-scooters in trials similarly to electrically-assisted pedal cycles. This would require changes to the current regulations. For the trials, we propose to:

- allow full or provisional licence holders to use e-scooters
- remove the requirements to wear a motorcycle helmet
- allow e-scooters to use the road, cycle lanes and tracks
- exempt e-scooters from vehicle registration and licensing
- exempt e-scooters from type approval requirements

During the trials, e-scooters will continue to be classed as motor vehicles, meaning requirements to have insurance and a driving licence will continue to apply.

1.1.6

1.1.7 8. To what extent do you agree or disagree that, for the trials, we should change the regulatory requirements to:

| | Strongly agree | Agree | Disagree | Strongly disagree | Don't know? |
|--|----------------|-------|----------|-------------------|-------------|
| allow e-scooters to be used by any full licence holder? | | X | | | |
| allow e-scooters to be used by any provisional licence holder? | | X | | | |
| remove the requirement for a motorcycle helmet and instead recommending cycle helmets? | | X | | | |
| allow e-scooters on roads (except motorways)? | | X | | | |
| allow e-scooters in cycle lanes and tracks? | | X | | | |
| exempt trial e-scooters from vehicle registration? | | | X | | |
| exempt trial e-scooters from vehicle licensing? | | | X | | |
| exempt trial e-scooters from vehicle type approval requirements? | | | X | | |

Explain your choices:

When motorcycles up to 125cc can be driven by full and provisional license holders then there is no reason that the same criteria should not be used for E scooters. Whatever the outcome of this consultation we feel that some sort of license is imperative for people using E scooters. We further believe that an age limit must be put on the use of electric scooters because there is currently E scooters being advertised on the likes of segbo.co.uk for children and we do not believe that children under the age of 16 should be allowed to operate electric or any other powered vehicles.

As long as speeds are kept to a maximum of 8 mph we would agree with the removal of the need for a crash helmet and be substituted with a cycle helmet. Given that this is only a two wheeled vehicle we believe that some sort of protective headgear must be worn when riding an E scooter for the protection of the user.

Given that mobility scooters capable of speeds up to 8 mph need to be registered with DVLA we do not see why the same conditions should not apply to E scooters. Failing that, would this not then be discriminating against those who need to use mobility scooters given that they have a maximum speed of 8 mph and having more than two wheels are more stable and do not pose the same risk as an electrical driven E scooter with only two wheels.

MACS believes that even during the trials E scooters manufacturers should need to produce samples of a design that will meet specified performance standards.

MACS are pleased to see that during the trials insurance for operating the scooters will need to be in place. We do, however, believe that after the trials have been completed and E scooters are available for purchase and use that users of these vehicles must have, at the very least, third-party insurance in case of any accidents or incidents where any victims of such have a means of recompense for any injury that may unfortunately be caused.

Final comments

1.1.8 9. Any other comments?

We have other serious concerns with the use of E scooters where we will have, yet again, a vehicle approaching people in wheelchairs, ambulant disabled, people with sensory impairment, people with dementia, autism, etc., where the vehicle is silent and many disabled people rely on hearing approaching vehicles otherwise the danger of any electric vehicle colliding with a disabled person is much greater than in a vehicle with an internal combustion engine. Consequently, we would strongly recommend that some sort of device is fitted that would omit a noise that disabled people could hear and identify as an oncoming vehicle.

We have further concerns that training has never been mentioned. We feel that training is essential for safety of both the user and other road users, even if that training is relatively brief it should also be certified and accompanied by the relative license for a person to be able to use an E scooter. Without such safety procedures as training and licensing being put in place the danger to disabled people is likely to be much greater than at present.

We also have concerns that at present on websites such as autoexpress.co.uk and skatehut.co.uk there is already advertising that E scooters will not require any license, with no lower age limit and will not require any head protection. Such claims should be instantly removed until the relative legislative guidance and conditions are put in place and any companies that persist in making these claims should be dealt with under false advertising legislation.

Although MACS is primarily concerned with safe transport for disabled people we, nevertheless, do you have these other concerns that would have a knock-on effect on the safety of disabled pedestrians.

At present the online description of the scooters is being described as personal light electric vehicles and we feel, therefore, that a distinction must be made between these type of electric scooters and mobility scooters and that an advertising campaign should be launched by Westminster government (DfT) on the use, specification and safety when buying and using an E scooter.

Under the equality act 2010 there is a duty to complete an EQIA (Equality Impact Assessment) and we would suggest that a summary of the EQIA should be made public so that the general public is aware of the impact that these vehicles may have on people with protected characteristics.

Even though we are seeing a slow transition from shared pedestrian/cycleways to segregated pedestrian/cycleways it will take some years for all shared surfaces to be segregated and in the meantime we would strongly support E scooters being banned from all parts, pavements and open spaces that are designed for pedestrian use. We would support the scooters only being allowed to use designated cycleways and failing the provision of cycleways, on roads excluding motorways and dual carriageways.

We would like to see a low age limit of 16 for use of E scooters and a banning of advertising of these scooters for use by children and young adults under the age of 16. At present these are being advertised at costs from £70 and upwards for use by children.

During our research we also identified that electric powered skateboards are being sold for use by anyone at any age. We feel that there are big enough problems faced by disabled people on pedestrian areas by skateboards at present and the introduction, and/or, use of electric skateboards will cause even bigger problems for disabled people making it less likely that disabled people will feel safe and secure when using paths and pavements resulting in disabled people being less likely to venture outside

their homes causing even greater isolation that exists at present and consequently an even greater deterioration in the mental health of disabled people.

We feel that some emphasis on proposed enforcement of the legislation is not only put in place but is adequately funded if enforcement is by way of local authorities and that the enforcement message should be part of a UK wide educational campaign across all media formats

One of the more common problems that disabled people face with cyclists using pedestrian areas is that they do not leave sufficient distance between themselves and the disabled person. We feel that if E scooters are eventually allowed on areas that are use predominantly by pedestrians that these problems with distance will escalate even further. We would strongly support a UK wide education campaign, similar to the one advising motorists to keep distance when passing cyclists, on the need to keep a safe distance between disabled people and other pedestrians by cyclists and the potential users of E scooters.

Yours sincerely,

MACS